



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)
	)
Applicant : Lydie Bougueret	)
	)
Appl. No. : 10/071,179	Grp./A.U. : Unknown
	)
Filed : February 7, 2002	Examiner : Unassigned
	)
Title : A NUCLEIC ACID ENCODING A	)
RETINOBLASTOMA BINDING PROTEIN	)
(RBP-7) AND POLYMORPHIC MARKERS	)
ASSOCIATED WITH SAID NUCLEIC ACID	)

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Assistant Commissioner of Patents  
 Box: Missing Parts  
 Washington, D.C. 20231

**RESPONSE TO THE NOTICE OF INCOMPLETE  
 NONPROVISIONAL APPLICATION**

Sir:

In response to the Notice Of Incomplete Nonprovisional Application dated March 15, 2002, enclosed please find the following documents:

	<u>Document</u>	<u>Quantity</u>
1)	Copy of the Notice Of Incomplete Nonprovisional Application	1 page
2)	A copy of the front and back of the Return Receipt Postcard mailed with the original filing of this application	2 pages
3)	A copy of our Letter mailed to the PTO on February 11, 2002 transmitting a copy of the Specification	2 page
4)	A copy of our Return Receipt Postcard mailed with the above-identified Letter, showing receipt of the Specification by the OIPE on March 19, 2002	1 page
5)	A copy of the Declaration and Power of Attorney filed in the parent application Serial No. 09/345,882, filed June 30, 1999 (allowed December 5, 2001) of which this application is a Divisional Application	1 page
6)	Return Receipt Postcard	



Please type or print your name inside this box → +

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/071,179
		Filing Date	February 7, 2002
		First Named Inventor	Lydie Bougueret
		Group Art Unit	Unknown
		Examiner Name	Unassigned
Total Number of Pages in This Submission		Attorney Docket Number	44.US4.DIV

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Deno Dialynas, Ph.D.	Reg. No. 50,711
Signature		
Date	3-28-02	

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name	C. M. McClure	
Signature		
	Date	03/28/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/071,179	02/07/2002	Lydie Bougueret	44.US4.DIV



John Lucas, Ph.D., J.D.  
GENSET CORP.  
10665 Sorrento Valley Road  
San Diego, CA 92121-1609

**CONFIRMATION NO. 2980**  
**FORMALITIES LETTER**



\*OC000000007645486\*

Date Mailed: 03/15/2002

**NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification is missing.  
*A complete specification as prescribed by 35 U.S.C. 112 is required.*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/12/2002 HN00R1 00000121 501181  
01 FC:122 130.00 CH

Docket No.: 44-054-DIV Patent Application.

The Patent and Trademark Office date stamp sets forth the date of receipt of

Applicant: LYDIE BOUGUELE RET  
Title: L'UNIQUE ACID ENCODING A RETINOBLASTOMA BOUNDING PROTEIN IS EXPRESSED IN CYTOPLASMIC MARKERS (SSOC. U.S.A. AND JAPAN)

Transmittal Letter	<input checked="" type="checkbox"/>	Application Data Sheet - 395
Application: <u>98</u> Pgs./Spec.	<input checked="" type="checkbox"/>	Comb. Decl. & Power-of-Attorney (copy)
Pgs./Claims <u>64</u>	<input type="checkbox"/>	Signed <input type="checkbox"/>
Total Claims	<input type="checkbox"/>	Unsigned <input type="checkbox"/>

Utility  Provisional  Design  Plant  
 National Stock Effective U.S.  
 Assignment  Statement  
 Cognac  Charente  
 Record/Cvr Sheet  
 Cognac Importer Under 3.73(b)

National Stage Filing in U.S.  Small Entity Statement   
Preliminary Amendment  (3 claims) Priority Document - \_\_\_\_ pages  
Check(s) \$ 440.00 English Translation  #3719  126 pg's

Drawings 2 Sheets:  
 Formal     Informal  
 Photographs     B&W     Color  
 Sequence Listing  CD-ROM/Diskette  
 Deposit Acct. Order Form (2 copies)  
 Other: 2025 2813 2806

Atty/Sec. initials JL / Dixon Matter Name: BB-7

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Attn: Intellectual Property Dept.

GENSET Corp.

10665 Sorrento Valley Road

San Diego, CA 92121-1609

The PTO did not receive the following  
listed item(s) Specified on 10 pages

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Applicant : Lydie Bougueret )  
Appl. No. : 10/071,179 )      Grp./A.U. : Unknown  
Filed    : February 7, 2002 )      Examiner : Unassigned  
Title    : A NUCLEIC ACID ENCODING A )  
              RETINOBLASTOMA BINDING PROTEIN )  
              (RBP-7) AND POLYMORPHIC MARKERS )  
              ASSOCIATED WITH SAID NUCLEIC ACID )

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Honorable Commissioner of Patents  
Washington, D.C. 20231

**LETTER**

Sir:

Upon inspection of our return postcard received today (March 11, 2002) for patent application no. 10/071,179, we have become aware that the Specification for said application has become separated from the remainder of the materials originally sent.

We were advised by telephone conversation with Ms. Stokes in the Office of Initial Patent Examination that we should re-send said Specification as soon as possible. To that end, said Specification is included herewith, along with a copy of the returned postcard.

Please let us know if there is anything else we can do to expedite this matter.

Please charge any additional fees, or credit overpayment to Deposit Account No.

50-1181.

Respectfully submitted,

GENSET CORPORATION

Date: March 11, 2002

By: Deno P. Dialynas

Deno Dialynas, Ph.D.  
Reg. No. 50,711

10665 Sorrento Valley Road  
San Diego, CA 92121-1609

Telephone: (868) 597-2634  
Facsimile: (858) 597-2600  
e-mail: deno.dialynas@genxy.com

Enclosures:

- 1) Photocopy of front and back of Return Receipt Postcard
- 2) Copy of Specification, Claims, Abstract (105 pages)

*Certificate of Mailing*

Date of Deposit: March 11, 2002

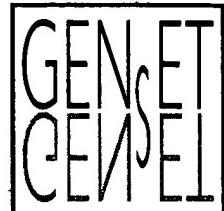
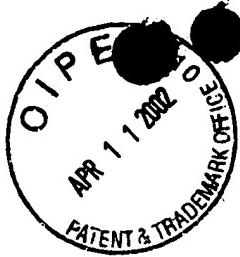
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the Date of Deposit shown above, postage prepaid and in an envelope addressed to the Assistant Commissioner for Patents, Box Non Fee Amendment, Washington, D.C. 20231.

Deno P. Dialynas

Signature

Deno P. Dialynas

Typed or Printed Name of Person Signing Certificate



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Patent Amendment/Responses/etc.  
Docket No.: 44. US4. DIV

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant/Pattee: Lydic Bouqueret

No. (Appln./Appeal/Interference/Patent/Reexam): 101071,179

Filing/Issue Date: Feb. 7 2002

Title: AllNUClic Acid Encoding ... (RBP-7) ... w/SAID NUCLEIC ACID

- Transmittal Letter (2 pgs)  
 Assignment    Recordation Cover Sheet(s)  
 Statement of Ownership  
 Amendment/Response \_\_\_\_\_ pages  
 Request for Continued Examination  
 Maintenance Fee  
 Check \$ \_\_\_\_\_  
 Issue Fee    Request Patent Copies  
 Information Disclosure Statement  
     PTO 1449 Form - \_\_\_\_\_ pages  
     Prior Art References - No. of Ref. \_\_\_\_\_  
 Drawings \_\_\_\_\_ Sheets:  
     Formal    Informal    Amended
- Comb. Declaration & Power of Attorney  
 Small Entity Statement  
 Petition for Extension of Time/ \_\_\_\_ month(s)  
 Status Inquiry  
 Declaration  
 Request for Certificate of Correction  
 Notice of Appeal  
 Appeal Brief (3 copies) \_\_\_\_ pages  
 Reply Brief (3 copies) \_\_\_\_ pages  
 Deposit Account Order Form (2 copies)  
 Other: Photocopy of Spec. /Claims  
of Abstract (105 pgs) and  
front/back of return reapt. postcard  
 Exp.MI.Label# \_\_\_\_\_

Atty/Sec.

Initials JL/00/km Matter Name RBP-7

Date 2/11/2002

